



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,103	12/06/2001	Harold Y. Walker JR.	15436.436.1	9457

22913 7590 08/31/2006

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

PAK, SUNG H

ART UNIT	PAPER NUMBER
----------	--------------

2874

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,103	Applicant(s) WALKER ET AL.	
	Examiner Sung H. Pak	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,12,15-18 and 35-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,12,15-18 and 35-43 is/are rejected.
- 7) ☒ Claim(s) 15,38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/06/01;12/10/02</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS-6/10/03;10/29/04</u> . |

DETAILED ACTION

Applicants' amendment filed 5/16/2006 has been entered. All pending claims have been carefully reconsidered in view of the amendment. After a careful consideration of amended claim limitations, the previous ground of rejection is hereby withdrawn. However, the examiner respectfully submits that the pending claims of the instant application are not allowable. A new ground of claim rejection is provided in this office action in response to the claim amendment.

Claim Objections

Claim 15 is objected to because of the following informalities: the claim recites "said wire handle", which lacks proper antecedent basis. Appropriate correction is required.

Claims 38-39 are objected to because of the following informalities: these claims recite "the housing", which lack proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2874

Claims 11-12, 16-18, 35-41,43 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiu et al (US 6,796,715 B2).

Chiu discloses a pluggable module comprising: a first section (Fig. 34A); a locking member ('1002' Fig. 34C) configured to releasably engage corresponding structure of an associated transceiver system cage; an ejector button attached to the first section ('3408' Fig. 34C); a handle attached to the first section ('3404' Fig. 34A) and operably disposed with respect to the ejector button such that: disposition of the handle in a first handle position corresponds with a first position of the ejector button where the corresponding structure of the cage is positioned such that the locking member is disengaged from the corresponding structure (col. 24, ll. 55- col. 25, ll. 7); and disposition of the handle in a second handle position corresponds with a second position of the ejector button where the corresponding structure of the case is positioned such that the locking member is engaged with the corresponding structure (col. 24, ll. 55- col. 25, ll. 7);

wherein the first handle position corresponds with a partial deflection of the corresponding structure of the case (col. 26, ll. 49-57);

wherein the pluggable optoelectronic transceiver module substantially conforms with the small Form-Factor Pluggable Transceiver Multisource Agreement (col. 25, ll. 7-9);

wherein a sensor and receiver circuitry are disposed in the transceiver housing (Fig. 2; col. 5, ll. 61- col. 6, ll. 9);

wherein an emitter and transmitter circuitry are disposed in the transceiver housing (col. 5, ll. 61- col. 6, ll. 9);

wherein the emitter is a vertical cavity surface emitting laser (col. 5, ll. 6-7);

Art Unit: 2874

wherein the handle includes a cam portion operably disposed with respect to the ejector button such that a rotation of the handle corresponds with a linear movement of the ejector button (col. 26, ll. 49-57);

wherein the cam is at least partially disposed within an opening defined by the ejector button (Fig. 37D- the ejector button '3408' "defines" an opening because the ejector button and the surrounding module element creates an opening, in which the cam element '3410' is disposed).

Regarding claim 11, Chiu fully anticipates the claimed limitation because it shows (in conjunction with the discussion above): a handle attached to the module (Fig. 34A), said handle including a cam portion in the shape of a bend (col. 24, ll. 48-51; col. 26, ll. 11- these citations specifically state, "[t]he bail latch 3404 includes a push tab..." (col. 24, ll. 48-49, emphasis added), and "... with the push tab 3410 of the bail latch 3404..." (col. 26, ll. 11, emphasis). Thus, the citations make it clear that the "push tab" is a part of the "bail latch". As such the "push tab" of Chiu fully reads on the "cam portion in the shape of a bend" since Chiu's push tab is a bent portion of the bail latch 3404);

wherein the ejector button is configured from molded plastic (col. 25, ll. 57-60; see also, claim 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu et al (US 6,796,715 B2) in view of Togami (US 6,533,603 B1).

Chiu discloses an optical device as discussed above. However, Chiu does not explicitly teach the handle formed from a wire, wherein the cam portion is a bent portion of the wire handle.

On the other hand, the use of a wire handle and a cam portion being the bent portion of the wire handle is known in the pluggable transceiver art, as shown by Togami ('108' Fig. 1). Such wire handle is known to be advantageous and desirable in the art because it allows for light weight, low cost, and easy to manufacture transceiver module component, compared to other

Art Unit: 2874

prior art components. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Chiu to have a wire handle and the cam portion being the bent portion of the wire handle as taught by Togami.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

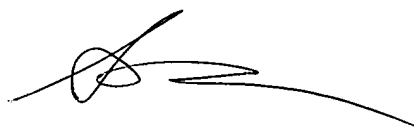
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (571) 272-2353. The examiner can normally be reached on Monday- Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571)272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Sung H. Pak', with a long horizontal flourish extending to the right.

Sung H. Pak
Primary Patent Examiner
Art Unit 2874